

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 19923 of 2004(V)

EP.112/2002 of PRL.SUB COURT,IRINJALAKUDA
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PETITIONER:

1. SHRAF, S/O.MIRZA,
UMMA MANZIL, MAPRANAM DESOM, MADAYIKKONAM,
MUKUNDAPURAM TALUK.
2. VIJAYAN, S/O.VELAYUDHAN,
NOCHIPARAMBIL HOUSE, MAPRANAM DESOM,
MADAAYIKONAM, MUKUNDAPURAM TALUK.
3. VINCENT, S/O.FRANCIS,
NELLIYAPPILLY HOUSE, MAPRANAM DESOM,
M,ADAAYIKONAM, MUKUNDAPURAM TALUK.

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT:

ABHIMAN KURIES (P) LTD.,
IRINJALAKUDA, MANAVALASSERY VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.JOHN T. SEBASTIAN
SRI.A.M.BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Ext.P1: Copy of the Receipt dated 14-6-2004

Ext.P2: Copy of the receipt dated 21-06-2004 issued by the respodnent

Ext.P3: Copy of the Judgment in W.P(C) No. 18458/2004 dated 22-06-2004

//True copy//

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PIUS.C.KURIAKOSE. J.

W.P.(C) No. 19923 of 2004

Dated this the 23rd day of May 2007
JUDGMENT

This writ petition arises from proceedings in execution by arrest and detention of the petitioners. I do not find reason to quash the order of arrest invoking the supervisory jurisdiction under Article 227 of the Constitution of India. While admitting the petition this Court granted stay of six months on condition that the petitioner pays an amount of Rs. 10,000/- . The claim of the learned counsel for the petitioner is that the above condition was duly complied with by the petitioner and the same is not disputed by the learned counsel for the respondent. Having regard to the rival submissions addressed before me I am of the view that the petitioner be granted indulgence in the form of instalment facility. According to the learned counsel for the petitioner the balance amount due as on date after giving credit to the payments so far made will be 1,30,000/-. The learned counsel for the decree holder/ respondent submits that the balance will be much more. Under these circumstances the writ petition will stand disposed of issuing the following directions.

The order of stay currently in force will continue only on condition that the petitioner remits on the 15th of every month commencing from 15-6-2007 at the rate of Rs. 13,000/- with the decree holder. If the petitioner remits ten instalments as directed above without fail, the court below will entertain an application for recording full satisfaction to be submitted by the petitioner and take a decision on that application with notice to the respondent. It is made

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clear that if the petitioner makes default in the payment of any instalment he will forfeit the benefits of this order and that I have not expressed any opinion regarding the correct balance.

PIUS.C.KURIAKOSE, JUDGE

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